

Notice of Allowability

Application No.

10/694,348

Examiner

Eric Hug

Applicant(s)

HAMED ET AL.

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Pre-Appeal Brief Request for Review filed on July 29, 2005.
2. ☒ The allowed claim(s) is/are 37-51.
3. ☒ The drawings filed on 18 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

This Office Action is a follow-up to the Pre-Appeal Brief Request for Review filed July 29, 2005 and the Pre-Appeal Brief Conference of August 18, 2005.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

After the Title--

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a divisional of U.S. application Serial No. 10/166,254, filed June 11, 2002.

In the Claims:

37. (currently amended) An absorbent article comprising a crosslinked cellulosic fiber having a centrifuge retention capacity of less than about 0.48 grams of a 0.9% by weight saline solution per gram of fiber and a third-insult acquisition ~~rate~~ time of less than 10 seconds.

The above change to claim 37 was indicated in the Pre-Appeal Brief Request for Review filed by Applicant.

Allowable Subject Matter

Claims 37-51 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose or suggest an absorbent article comprising crosslinked cellulose fiber having a centrifuge retention capacity less than 0.48 grams (of a 0.9% by weight saline solution per gram of fiber) and a third insult acquisition time of less than 10 seconds. Prior art crosslinked cellulose fibers do not meet both criteria, nor does the prior art suggest a process of making a crosslinked cellulose fiber that would suggest that the resulting fiber would have the claimed properties.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed July 29, 2005 and January 27, 2005 have been fully considered.

Applicant's arguments have overcome all previous rejections based on Applicant's admission of prior art, Koltisko (US 5,938,995), WO 97/04162, Sun et al (5,858,021), Leitham et al (2002/0096276), and US 2003/0070776, and any combinations thereof.

Applicant's statement has overcome previous rejections over Sears et al (US 6,620,293).

The amendment above overcomes the rejection of claims 37-51 under 35 U.S.C. 112, first paragraph.

It is recognized that the applied prior art references do not teach or suggest the same process of cross-linking cellulose fibers as per the present invention, therefore the claimed properties are not inherent to articles comprising fibers made by those processes. It is also recognized that there is no admission of prior art in Applicant's disclosure that teaches or suggests the same process.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LaFortune (US 2005/0142965) discloses centrifuge retention capacities and third insult acquisitions for commercially available crosslinked cellulose pulps.

Martin et al (US 6,063,982) discloses a fluff pulp having a fourth strikethrough of less than 10 sec.

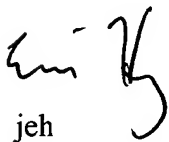
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Hansen et al (US 5,547,541) and Shore et al (US 6,821,383) disclose crosslinked cellulose fluff pulps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


jeh